

Message Text

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ORIGIN AF-18

INFO OCT-01 ISO-00 L-03 NEA-10 PRS-01 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 RSC-01 SPC-03

SS-20 USIA-15 ACDA-19 IO-14 A-01 EB-11 SCA-01 SY-10

USSS-00 /162 R

DRAFTED BY AF/N:RFSMITH:BJR

APPROVED BY AF:DDNEWSOM

AF/N:JJBLAKE

L/AF:MSPIEGEL

S/CCT:AMB. HOFFACKER

S/PRS:IPERNICK (TEL)

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R 192341Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY KHARTOUM

C O N F I D E N T I A L STATE 208265

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: BSO TRIAL: RELEASE OF TWO ACCESSORIES

REF: KHARTOUM 2308

1. AMBASSADOR SHOULD SEEK EARLIEST APPOINTMENT WITH ACTING
FOREIGN MINISTER INDICATING HE ACTING ON INSTRUCTIONS TO
RAISE QUESTIONS CONCERNING RELEASE OF ACCESSORIES TO
MURDERS OF TWO US DIPLOMATS. AFTER REITERATING EFFORTS
USG HAS MADE TO AVOID EVEN SLIGHTEST APPEARANCE OF INTER-
FERENCE IN SUDANESE JUDICIAL PROCESS, YOU SHOULD MAKE
FOLLOWING POINTS: (A) US NOTES REITERATION OF INTENTION TO
TRY EIGHT TERRORISTS AND ASSUMES MAGISTERIAL HEARING WILL
PROCEED AS SCHEDULED. (B) INTEREST IN JUST DISPOSITION OF
THIS CASE HAS NOT DIMINISHED; IT REMAINS HIGH IN USG CIRCLES
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IN CONGRESS, AMONG MEMBERS OF PRESS AND PUBLIC; (C) WHILE

CHARGE OF MURDER MIGHT BE DIFFICULT TO SUSTAIN AGAINST
ACCESSORIES NOT PHYSICALLY PRESENT IN SAUDI ARABIAN EMBASSY,
WE DO NOT UNDERSTAND BASIS ON WHICH MAGISTRATE RELEASED
PALESTINIANS RATHER THAN EXERCIZING OPTION TO BRING THEM
TO TRIAL ON OTHER CHARGES, I.E., AS ACCESSORIES TO
MURDER.

2. WE PRESUME ACTING FONMIN WILL AGAIN POINT OUT INDE-

PENDENCE OF SUDANESE JUDICIARY. AMBASSADOR SHOULD STRESS
THAT WE WELL AWARE OF ITS INDEPENDENCE AND ARE NOT QUEST-
IONING IT. WHAT WE SEEK IS TO UNDERSTAND ITS OPERATION
IN THIS CASE, PARTICULARLY DECISION TO RELEASE ACCOMPLICES
FOR LACK OF EVIDENCE WHEN MAGISTRATE'S INQUIRY INTO FACTS
OF CASE (SO FAR AS WE ARE AWARE) HAD NOT INCLUDED TESTI-
MONY ON THEIR INVOLVEMENT OR LACK THEREOF. SINCE WE CAN-
NOT APPROACH JUDICIARY FOR INFORMATION RE BASIS FOR
MAGISTRATE'S DECISION, WE MUST PERFORCE REQUEST IT OF THE
FOREIGN MINISTRY IN SAME WAY THAT SUDANESE EMBASSY
WASHINGTON WOULD SEEK AND RECEIVE GUIDANCE FROM DEPARTMENT
ON US JUDICIAL OR OTHER DOMESTIC PROCEDURES.

3. FOLLOWING PRESS GUIDANCE HAS BEEN PREPARED FOR USE IN
WASHINGTON ON AN IF ASKED BASIS: QUESTION: DO YOU HAVE
ANY COMMENT ON REPORTS THAT TWO OF THE PALESTINIANS
INVOLVED IN THE MURDERS IN KHARTOUM HAVE BEEN RELEASED?
ANSWER: WE HAVE HAD CONFIRMATION THAT THE DRIVER OF THE
VEHICLE WHO BROUGHT THE TERRORISTS TO THE SAUDI ARABIAN
EMBASSY AND THE RADIO OPERATOR AT THE FATAH OFFICE IN
KHARTOUM HAVE BEEN RELEASED. THE SUDANESE MAGISTRATE
WHO RELEASED THEM DID SO ON THE GROUND THAT THERE WAS
INSUFFICIENT EVIDENCE LINKING THEM TO THE MURDERS. THE
EIGHT TERRORISTS WHO WERE IN THE SAUDI ARABIAN EMBASSY
REMAIN IN CUSTODY. I DO NOT WISH TO COMMENT FURTHER AT
THIS TIME. RUSH

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PARAMILITARY FORCES, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE208265
Document Source: CORE
Document Unique ID: 00
Drafter: RFSMITH:BJR
Enclosure: n/a
Executive Order: GS NEWSOM
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731020/aaaaaooq.tel
Line Count: 98
Locator: TEXT ON-LINE
Office: ORIGIN AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: KHARTOUM 2308
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <30-Oct-2001 by thigpegh, 3.4.X6>; RELEASED <05 MAR 2002 by worrelsw>; APPROVED <05 MAR 2002 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BSO TRIAL: RELEASE OF TWO ACCESSORIES
TAGS: PINS, SU, BLACK SEPTEMBER
To: KHARTOUM
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005